

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

TO: John Sansbury, County Administrator  
Maureen Peterman, Co. Attorney's Office  
Herb Kahlert, County Engineer  
David Bludworth, State Attorney  
Max Rudmann, Asst. Attorney General  
Captain Cook, Sheriff's Dept. - Civil  
Frank Schulz, Sheriff's Office  
Bob Basehart, Planning, Zoning & Bldg.  
Bob Palchanis, Building Division, Director  
Assistant County Attorney -  
Jody Ingram - 4th District Court of Appeals  
  
Ed Rich, Community Services  
Tony Smith, Administration  
Becky Webb, Finance

DATE: November 26, 1984

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 84-13

TITLE REFERENCE: EQUAL OPPORTUNITY TO HOUSING & PLACES OF  
PUBLIC ACCOMMODATION IN Palm Beach County

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is January 1, 1985.

Signed

*Phyllis A. House*  
Deputy Clerk

JWD:

Attachment

\* cc: Commissioners, BCC  
Clerk  
Minutes

\*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

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ORDINANCE NO. 84-13

AN ORDINANCE PROVIDING FOR EQUAL OPPORTUNITY TO HOUSING AND PLACES OF PUBLIC ACCOMMODATION IN PALM BEACH COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR UNLAWFUL PRACTICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE ESTABLISHMENT OF THE FAIR HOUSING BOARD; PROVIDING FOR THE ESTABLISHMENT OF A FAIR HOUSING OFFICE; PROVIDING FOR INVESTIGATION PROCEDURES, PROVIDING FOR EVIDENCE; PROVIDING FOR COMMITTEE ORDER; PROVIDING FOR APPEAL; PROVIDING FOR CIVIL REMEDIES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the public policy of the United States of America to provide for fair housing and public accommodation throughout the United States and the policy of Palm Beach County, Florida, to also so provide; and

WHEREAS, discrimination in housing and in places of public accommodation deprives individuals of their basic right to associate, causes friction among groups in society, and adversely affects the public health, safety, and welfare; and

WHEREAS, in accordance with Title VIII of the Civil Rights Act of 1968 (Public Law 90-284); the 1964 Civil Rights Act; Title 42, United States Code, Section 1982; Florida Statute 760.20-760.37, Fair Housing Act; and Florida Statutes, Section 125; and

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. It is hereby declared to be the policy of the Board of County Commissioners of Palm Beach County in the exercise of its police power for the public safety, public health, and general welfare to assure, within constitutional limitations, equal opportunity to all persons to live in decent and fair housing facilities regardless of race, sex, color, religion, national origin or physical handicap and, to that end, to prohibit discrimination in housing by any person.

Section 2. It is hereby declared to be the policy of the Board of County Commissioners of Palm Beach County, in the exercise of its police power for public safety, public health and general welfare to assure, within constitutional limitations, equal opportunity to all

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1 physical handicap to participate in the full and equal enjoyment of the  
2 goods, services, facilities, privileges, advantages, and accommodations  
3 of a place of public accommodation.

4 Section 3. Definitions. As used in this Ordinance:

5 1) The term "person" includes one or more individuals,  
6 partnerships, associations, corporations, unincorporated organizations,  
7 legal representatives, trustees, trusts, trustees in bankruptcy, labor  
8 organizations, mutual companies, joint-stock companies, receivers, or  
9 fiduciaries.

10 2) The term "unlawful discriminatory practice" includes only  
11 those practices specified in Section 20 through 26 hereof.

12 3) The term "coordinator" shall mean the Fair Housing  
13 Coordinator of the Fair Housing Office.

14 4) The term "board", unless a different meaning clearly  
15 appears from the context, means the Palm Beach County Fair Housing Board,  
16 created by this Ordinance.

17 5) Each of the following establishments which serves the  
18 public is a place of "public accommodation" within the meaning of this  
19 Ordinance:

20 (1) any inn, hotel, motel, or other establishment which  
21 provides lodging to transient guests, other than an  
22 establishment located within a building which contains not  
23 more than five rooms for rent or hire and which is actually  
24 occupied by the proprietor of such establishment as his  
25 residence;

26 (2) any restaurant, cafeteria, lunchroom, lunch counter,  
27 soda fountain, or other facility principally engaged in  
28 selling food for consumption on the premises, including,  
29 but not limited to, any such facility located on the  
30 premises of any retail establishment; or any gasoline  
31 station;

32 (3) any motion picture house, theater, concert hall, sports  
33 arena, stadium or other place of exhibition or  
34 entertainment; and

1 (4) any establishment: (A)(i) which is physically located  
2 within the premises of any establishment otherwise covered  
3 by this subsection, or (ii) within the premises of which is  
4 physically located any such covered establishment, and (B)  
5 which holds itself out as serving patrons of such covered  
6 establishment. Such term shall not include any  
7 institution, club or place of accommodation which is in its  
8 nature distinctly private and not in fact open to the  
9 public.

10 6) The term "housing accommodation" includes any building,  
11 structure, or portion thereof which is used or occupied as, or is  
12 intended, arranged or designed to be used or occupied as, the home,  
13 residence or sleeping place of one or more families, and any vacant land  
14 which is offered for sale or lease for the construction or location  
15 thereon of any such building, structure, or portion thereof.

16 7) "To rent" includes to lease, to sublease, to let and  
17 otherwise to grant for a consideration the right to occupy premises not  
18 owned by the occupant.

19 8) The term "family" includes the grandparents, parents,  
20 children, brothers and sisters, whether by marriage or blood, and their  
21 spouses and children, of either the property owner or spouse of the  
22 property owner; and the term "family" also includes a single individual.

23 9) The term "complainant" shall mean the person filing a  
24 complaint pursuant to this Ordinance.

25 10) The term "respondent" shall mean the person against whom a  
26 complaint has been filed pursuant to this Ordinance.

27 11) "Physical Handicap" shall mean any person who:

- 28 a) Has a physical impairment which substantially limits  
29 one or more major life activities;  
30 b) Has a record of such an impairment; or  
31 c) Is regarded as having such an impairment.

32 Section 4. Fair Housing Office. The County Administrator  
33 exercising his power of appointment shall employ a coordinator and such  
34 other personnel as may be provided for in the budget approved by the  
35 Board of County Commissioners and for which an appropriation has been



1 made. The Coordinator and staffing complement shall be referred to as  
2 the Fair Housing Office. It shall be the responsibility of the  
3 Coordinator to investigate complaints of discrimination prohibited by  
4 this Ordinance, and attempt to conciliate and mediate complaints of  
5 discrimination, and to perform such other duties of an administrative  
6 nature as may be assigned by the county administrator.

7 Section 5. Fair Housing Board. The Fair Housing Board of Palm  
8 Beach County is hereby created and established. This Board is to be  
9 composed of seven (7) citizens of Palm Beach County appointed by the  
10 Board of County Commissioners to serve for staggered terms of two (2)  
11 years. Initially, four (4) members shall be appointed for a term of two  
12 (2) years, and three (3) members shall be appointed for a term of one (1)  
13 year. In addition to minority representation on such Board, the Board  
14 shall reflect, to the greatest extent possible, to seek representation  
15 for all ages, races, religious beliefs and types of employment.  
16 Vacancies shall be filled in the same manner as the original appointments  
17 for the remainder of the vacant term. Each member shall serve without  
18 compensation and may be removed without cause by the Board of County  
19 Commissioners at any time. Members of the Fair Housing Board shall  
20 appoint a chairperson and secretary and the Board may promulgate rules  
21 and regulations for the conduct of its meetings and affairs.

22 Section 6. Board Terms, Rules and Regulations. The following  
23 rules and regulations shall govern the operation of the Board:

24 1) The chairperson of the Fair Housing Board shall be elected  
25 by majority vote of the Board and shall serve for a term of one (1) year  
26 and have the following duties:

- 27 a) Call Board meetings and set the agenda for the same;  
28 b) Preside at Board meetings;  
29 c) To sign subpoenas presented by the Coordinator;  
30 d) Appoint and define the role of such committees as are  
31 necessary or expedient to advise the Board and the Fair Housing  
32 Coordinator;  
33 a) Perform such other functions as the Board may assign by  
34 rule or order.

1 2) The Vice-Chairperson shall serve for a term of one (1)  
2 year. The Vice-Chairperson shall perform the duties of the Chairperson  
3 in the Chairperson's absence and such other duties as the Chairperson may  
4 assign.

5 3) If a vacancy occurs in the Office of Chairperson, the  
6 Vice-Chairperson shall become the Chairperson for the unexpired term of  
7 the Chairperson. If a vacancy occurs in the office of Vice-Chairperson,  
8 the Board will elect another member to fill the unexpired term of the  
9 Vice-Chairperson.

10 4) A special meeting of the Board shall be called by the  
11 Chairperson or the Coordinator upon the written request of not fewer than  
12 three (3) Board members.

13 5) Four (4) members shall constitute a quorum for the conduct  
14 of Board business.

15 6) A majority of the members of a panel or committee shall  
16 constitute a quorum for the conduct of business assigned to a panel or  
17 committee.

18 7) In the presence of a quorum, Board or panel business shall  
19 be taken by a majority vote.

20 Section 7. Board Meetings. The Board shall meet monthly. The  
21 Board may meet more frequently, if so required. Notice of the time and  
22 place of the meeting shall be given to all Board members and all parties  
23 scheduled to be heard, and shall be made public. The Chairperson may  
24 call an unscheduled meeting, upon not less than 24 hours notice, and  
25 meetings may also be called by written request signed by three (3)  
26 members of the Board. All meetings shall be public. The County  
27 Administrator shall provide such staff as may reasonably be required in  
28 his discretion to assist the Board in the performance of its duties. The  
29 County Administrator shall provide a regular meeting place for the Board.

30 Section 8. Objectives. The objectives of the Board shall be:

- 31 1) To promote and encourage fair treatment and equal  
32 opportunity for all persons regardless of race, sex, color, religion,  
33 national origin, or physical handicap, to promote and encourage mutual  
34 understanding and respect among such persons and to endeavor to eliminate  
35 discrimination against and antagonism between such persons;



- 2) To cooperate with governmental and non-governmental agencies and organizations having like or kindred functions;
- 3) To make such investigations and studies in the field of fair housing and public accommodation as in its judgment will aid in effectuating its general purposes;
- 4) To assist various groups and agencies of the community to cooperate in educational programs and campaigns, devoted to the elimination of discrimination in housing and places of public accommodation;
- 5) To aid in permitting Palm Beach County to benefit from the fullest realization of its housing and public accommodation resources;
- 6) To recommend to the Board of County Commissioners the acceptance of certain grants and contracts from foundations and other sources for the purpose of carrying out the purposes of this Ordinance;
- 7) To recommend to the Board of County Commissioners methods for elimination of discrimination and intergroup tensions; and
- 8) The objectives set forth above are not to be construed as duties and the Board of County Commissioners shall have the discretion to determine when each objective is implemented.

Section 9. Powers and Duties of the Fair Housing Board. The powers and duties of the Board shall be:

- 1) To refer complaints and to cause, through the Fair Housing Office, investigations of:
  - a) Tension or prejudice in relation to all housing and public accommodation matters involving race, sex, color, religion, national origin or physical handicap or disorder occasioned thereby;
  - b) Discrimination against any person by any person with regard to housing and public accommodation matters on the basis of race, sex, color, religion, national origin or physical handicap.
- 2) To propose reasonable rules and regulations as are necessary to effectuate the policies of this Ordinance and govern the proceedings of the Board. Such rules and regulations shall become effective upon approval by the Board of County Commissioners after a public hearing has been held by the Board of County Commissioners, pursuant to at least one notice published in a newspaper of general

circulation in Palm Beach County at least ten (10) days prior to the hearing.

3) To receive, initiate, seek to conciliate, hold hearing upon and adjudicate complaints alleging violations of this Ordinance; to recommend methods and alternatives for eliminating injustices occasioned thereby; to carry out and enforce the purpose of this Ordinance.

4) To administer oaths, subpoena witnesses, and compel production of evidence pertaining to any hearing convened pursuant to the powers and duties authorized by this Ordinance.

5) To subpoena witnesses and compel production of evidence requested by the Fair Housing Coordinator relating to an investigation being conducted pursuant to this Ordinance.

6) In the case of a refusal to obey an subpoena issued to any person, or refusal to comply with any method of discovery authorized in the Florida Rules of Civil Procedure the Board shall request the county attorney to make application to the appropriate Court to order the witness to comply with request for discovery, or to appear before the Board and to produce evidence, if so ordered, or to give testimony concerning the matter in question. Failure to obey the order may be punished by the Court as contempt.

7) Meet and exercise its power in any place within Palm Beach County.

8) To issue remedial orders prohibiting violations of this Ordinance and providing affirmative relief from the effects of the violation as specified in Section 27 hereof.

9) To become a deferral agency for the State and federal government and comply with the necessary State and federal regulations.

Section 10. Powers and Duties of the Coordinator. The powers and duties of the Coordinator shall be:

1) To investigate:

a) Tension or prejudice in relation to all housing and public accommodation matters involving race, sex, color, religion, national origin or physical handicap or disorder occasioned thereby;



b) Discrimination against any person by any person with regard to housing and public accommodation matters on the basis of race, sex, color, religion, national origin or physical handicap.

c) In conducting an investigation the Coordinator shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation providing that the Coordinator complies with the provisions of the Federal and State constitutions relating to unreasonable searches and seizures. The Coordinator may request the Board or its Chairperson to issue subpoenas to compel the Coordinator's access to, or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court.

2) To attempt to conciliate and mediate complaints of discrimination brought pursuant to this Ordinance.

3) To prepare consent agreements embodying any agreement reached by the parties relating to the complaint and to present such agreement to the Board, for the Board's acceptance or rejection.

4) To dismiss complaints of discrimination upon a finding of no reasonable grounds to support a finding of discrimination under this Ordinance.

5) To administer oaths.

6) To exercise all powers reasonable and necessary to fulfill the purposes of this Ordinance.

Section 11. Filing of Complaints. Any person who claims to have been injured by an unlawful discriminatory practice or who believes that he/she will be irrevocably injured by an unlawful discriminatory practice that is about to occur may file a sworn written complaint with the Fair Housing Office which shall state the name and address of the complainant and the person or persons against whom the complaint is made. It shall also state the facts surrounding the alleged unlawful discriminatory practice and such other information as may be required by

the Coordinator. A complaint shall be filed within one hundred and eighty days (180) after the date of the alleged unlawful discriminatory practice in order to be processed under this Ordinance.

Section 12. Notice of Complaint. Upon receipt of such a complaint, the Coordinator shall furnish a copy, by registered or certified mail, to the person or persons who allegedly committed the unlawful discriminatory practice or whom is about to commit the alleged unlawful discriminatory practice. The respondent may file a sworn written answer to the complaint within 30 days of receipt of the complaint. Any subsequent amendment to the complaint or answer thereto shall be served by U.S. Mail.

Section 13. Processing Complaints.

1) Within 60 days of the filing of a complaint as set forth in Section 11, the staff of the Palm Beach County Fair Housing Office shall make such investigation as the Coordinator or the Board deems appropriate to ascertain facts and issues. In conducting an investigation to ascertain whether or not there has been a violation of this Ordinance, the Coordinator shall have access at all reasonable times to premises, records, documents, individuals, and other evidence, or possible sources of evidence, and may examine, record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation providing that the Fair Housing Office complies with the provisions of the Federal and State constitutions relating to unreasonable searches and seizures. The Coordinator, upon approval of the Board or signature of its Chairperson, may issue subpoenas to compel access to, or the production of, such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court. The Coordinator and/or the Board may administer oaths. If the complaint is not settled within 60 days of the filing of the complaint, and if the Coordinator shall determine that there are reasonable grounds to believe an unlawful discriminatory practice has occurred and is appropriate for conciliation, then the Coordinator shall attempt to conciliate the matter by methods of informal conference and



1 persuasion with all interested parties and such representatives as the  
2 parties may choose to assist them. Conciliation conferences shall be  
3 informal, and all reasonable efforts shall be made by the parties thereto  
4 to reach a settlement.

5 2) The terms of conciliation agreed to by the parties may be  
6 reduced to writing and incorporated into a consent agreement to be signed  
7 by the parties, which agreement is for conciliation purposes only and  
8 does not constitute an admission by any party that the law has been  
9 violated. A consent agreement shall be signed by the Coordinator and  
10 shall be submitted to the Board for acceptance or rejection at their next  
11 meeting. A copy of the signed consent agreement shall be furnished to  
12 the complainant, respondent and the Board.

13 3) If the Coordinator determines that there is not reasonable  
14 grounds to find that there has been a violation of this Ordinance, the  
15 Coordinator shall dismiss the case and inform the Board of his/her  
16 findings by written report. The Board in its discretion may order, by a  
17 majority vote, such further investigation as it may deem necessary. If  
18 further investigation is ordered, the results thereof shall be presented  
19 to the Board in writing within ten (10) days and shall be acted upon by  
20 the Board within an additional twenty (20) days. If no further  
21 investigation is ordered, the Coordinator shall serve the Complainant  
22 with a Notice of Determination of No Reasonable Grounds To Support A  
23 Finding Of Discrimination advising the complainant of the right to file a  
24 Petition for Redetermination within twenty (20) days of service of the  
25 notice.

26 4) If the Coordinator, fails to conciliate a complaint, after  
27 the parties, in good faith, have attempted such conciliation, the  
28 Coordinator shall notify the Board by serving a Notice of Failure of  
29 Conciliation that the Coordinator has been unable to conciliate the  
30 complaint. Thereafter, within thirty (30) days, the Board shall schedule  
31 an administrative hearing with regard to such complaint. Any  
32 conciliation agreement reached more than 24 hours prior to a scheduled  
33 administrative hearing shall result in such hearing being canceled.

34 5) In conducting an administrative hearing to ascertain  
35 whether or not there has been a violation of this Ordinance, the Board

1 shall have the power to administer oaths, issue subpoenas, compel the  
2 production of books, papers and other documents and receive evidence.  
3 The Board shall conduct the administrative hearing in accordance with the  
4 procedure provided in Sections 120.57(1) and 120.58, Florida Statutes.

5 (a) All recommended orders prepared by the Board as a  
6 result of such hearing or hearings shall conform with the requirements  
7 for such orders as set out in Section 120.59, Florida Statutes.

8 (b) The Board shall serve a copy of the order on each  
9 party to the administrative proceedings. The recommended order shall be  
10 considered as the final order of the Board for the purposes of proceeding  
11 further under this section.

12 (c) Either party to such administrative proceedings shall  
13 have the right to appeal the administrative order described herein by  
14 filing notice of appeal pursuant to Florida Appellate Rule 9.110(2)  
15 within thirty (30) days of the issuance of such order by the Board. Any  
16 party shall have the right to bring an action in the appropriate Court to  
17 insure compliance with this Order.

18 6) In case of refusal to obey a subpoena issued by the Board,  
19 the County or the person at whose request it was issued may, in addition  
20 to any other remedies made available, petition for its enforcement in the  
21 appropriate court.

22 7) Should any party fail or refuse to comply with the final  
23 order issued as provided herein, then, following the expiration of the  
24 appeal time provided herein, the Board shall forward such order to the  
25 Board of County Commissioners with a request that the Board of County  
26 Commissioners authorize the County Attorney to bring such action or  
27 actions as necessary to obtain compliance with this Ordinance.

28 8) When any act is required or allowed to be done at or within  
29 a specified time by this section, for cause shown the Board at any time  
30 in its discretion may order the period enlarged or may permit the act to  
31 be done when failure to act was the result of excusable neglect.

32 9) All written motions upon which a ruling is requested shall  
33 be filed at least three days prior to the hearing date established by the  
34 Board. Such motions shall be considered and ruled upon by the Board  
35 prior to the start of the hearing.



1 10) All motions and orders thereon shall be made a part of the  
2 record of such administrative proceedings.

3 11) No appeal may be made from rulings on such motions until a  
4 final order has been issued.

5 12) If there are separately filed cases before the Board which  
6 involve similar issues of law and fact and identity of parties, then such  
7 cases may be consolidated by the Coordinator for hearing before the  
8 Board.

9 13) Discovery shall be permitted and shall proceed in the  
10 manner provided by the Florida Rules of Civil Procedure.

11 14) The Board may order a pre-hearing conference prior to any  
12 administrative hearing. Prior to such conference the Board may direct  
13 that the parties submit a pre-conference statement addressing the issues  
14 of law and fact that will be involved in such hearing, identifying the  
15 witnesses that will testify, providing a list of all documents or other  
16 exhibits that will be submitted, and providing such other information as  
17 requested by the Board.

18 15) The Coordinator shall set the time and place of any  
19 administrative hearing. The Coordinator shall serve notice by certified  
20 mail of such hearing on the parties no later than fourteen (14) days  
21 prior to the final hearing. Such notice requirement may be waived with  
22 the written consent of all parties. The notice shall also contain:

- 23 a) A statement of the nature of the hearing;  
24 b) A statement of the legal authority and jurisdiction  
25 under which the hearing is to be held;  
26 c) A reference to the statutes and rules involved.

27 16) Requests for subpoenas in any administrative proceeding  
28 shall be filed with the Coordinator and forwarded to the Board. Such  
29 request shall set forth the name and address of the person whose  
30 attendance is requested and shall describe with particularity any  
31 material to be produced. Such subpoenas shall be issued by the Board.  
32 The requesting party shall be responsible for service of any subpoena.

33 17) In case of refusal to obey a subpoena, the Coordinator or  
34 other persons at whose request it was issued may petition for its  
35 enforcement in the appropriate court.

1 18) Any subpoena shall be subject to a motion to quash or a  
2 motion for protective order before the appropriate Court.

3 19) The official transcript of a hearing shall be preserved by  
4 tape recording.

5 20) A party may elect to provide a court reporter for a  
6 hearing. In such event, that party shall be responsible for payment of  
7 the court reporter's per diem expense and any costs of transcribing the  
8 record.

9 Section 14. Withdrawal of Complaint. A complaint filed  
10 pursuant to this Ordinance may be withdrawn at any time by the  
11 complaining party upon notifying the Coordinator; however, the  
12 Coordinator may continue action against the Respondent if the facts  
13 establish reasonable grounds to support a finding of discrimination and  
14 the Board approves such further action.

15 Section 15. Preservation of Records. Following service of the  
16 complaint in the manner provided herein, the Respondent shall preserve  
17 all personnel records, property records or any other written or  
18 documentary material relating to the complaint until the complaint has  
19 been resolved.

20 Section 16. Administrative Dismissal of Complaint. Any  
21 complaint filed pursuant to this Ordinance shall be dismissed by the  
22 Coordinator upon the following grounds:

23 a) The complainant has failed or refused to cooperate and  
24 after notice has failed to duly respond;

25 b) The complaint has not been timely filed with the Board  
26 or the Fair Housing Office;

27 c) The complaint has been conciliated pursuant to this  
28 Ordinance;

29 d) After service of Notice of Determination of No  
30 Reasonable Grounds the complainant has failed to file a Petition for  
31 Redetermination pursuant to Section 13 within 30 days.

32 e) After being notified of the failure to conciliate, the  
33 complainant has failed to request the Coordinator to request an  
34 administrative hearing pursuant to Section 13.



f) The complainant cannot be located after reasonable efforts have been made to do so and there has been no response from the complainant within twenty (20) days after notice was sent by mail to complainant's last known address;

g) Whenever an action filed, in either Federal or State Court, pursuant to this Ordinance, Florida Statute 760.20 et seq; 42 U.S.C. Section 2000e, or Title VIII of the Civil Rights Act of 1968 (Public Law 90-284), shall come to trial.

Section 17. Investigation Procedure. After a complaint has been filed, the Coordinator or the Coordinator's duly authorized representative shall conduct an investigation. The Coordinator may utilize the services and information gathered from other public agencies charged with the administration of equal opportunity laws. The following procedures shall be followed:

1) Complaint verification. As part of the investigation process, the complaining party may be required to provide an additional sworn written statement which shall include:

a) A statement of each particular harm or potential harm which the aggrieved person has suffered or will suffer and the date on which each harm occurred or will occur;

b) For each harm, a statement specifying the act, policy or practice which is alleged to be unlawful;

c) For each act, policy or practice alleged to have harmed the aggrieved person, a statement of the facts which lead the complainant to believe that the act, policy or practice is discriminatory.

2) Requests for Information. In investigating a complaint, the Coordinator or the Coordinator's duly authorized representative may obtain information by:

a) Oral interview;

b) Requests for production of documents;

c) Requests for entry upon land for inspection and other purposes;

d) Requests for written statement or affidavit;

e) Subpoena duces tecum.

f) Any discovery methods set forth in the Florida Rules of Civil Procedure.

3) Complaining Party's Failure to Cooperate. Where the complainant fails to provide a necessary information statement, fails or refuses to appear or be available for interviews or conferences, fails or refuses to provide necessary information requested by the Fair Housing Office pursuant to this section, or otherwise refuses to cooperate to the extent that the Fair Housing Office is unable to resolve the complaint, the Coordinator shall dismiss the complaint after providing 20 days notice to the complainant.

4) Access to Files during Investigation. Information obtained during the investigation of a complaint shall be disclosed only to the complainant, the respondent, or their authorized representative, or to witnesses, only when disclosure is deemed necessary by the Coordinator for the investigation or for securing appropriate disposition of the complaint. The Coordinator may direct that a particular record, document or portion thereof be withheld from inspection by a party only when necessary for the protection of a witness or third party, or for the preservation of a trade secret and only in accordance with the provisions of the Florida Public Records Law.

5) Negotiated Settlement. During the investigation, the Fair Housing Office shall endeavor to encourage the complainant and the respondent to settle the complaint on mutually agreeable terms. If settlement is achieved, its terms shall be reduced to writing and signed by the complainant and the respondent. Copies of the settlement agreement shall be filed with the Coordinator and the Board which shall accept or reject said settlement agreement at its next meeting. A complaint which has been settled shall be dismissed by the Coordinator upon such terms and at such time as may be provided in the written settlement upon approval of the Board.

Section 18. Determination of Reasonable Grounds; Notice.

1) Upon completion of an investigation, if a complaint has not been settled or withdrawn, the Coordinator shall make a determination as to whether there is a reasonable grounds to believe that an unlawful discriminatory practice has occurred. The Coordinator shall report the



1 results of the investigation and his/her determination to the Board and  
2 advise the Board that a Notice of Determination shall be served upon the  
3 complainant and respondent. The Board shall receive a copy of the Notice  
4 of Determination.

5 2) The Board shall have the opportunity to review the report  
6 and submit comments to the Coordinator.

7 3) A Notice of Determination of Reasonable Grounds shall  
8 include an invitation to participate in conciliation.

9 4) A Notice of Determination of No Reasonable Grounds shall  
10 advise the complainant of the right to file a Petition for  
11 Redetermination, within twenty (20) days of service of the notice.

12 5) After service of a Notice of Determination, the parties  
13 named in the Determination may inspect the records and documents, in the  
14 custody of the Coordinator, which pertain to the determination. The  
15 Coordinator may direct that a particular record, document or portion  
16 thereof be withheld from inspection by a party only when necessary for  
17 the protection of a witness or third party, or for the preservation of a  
18 trade secret and only in accordance with the provisions of the Florida  
19 Public Records Law.

20 Section 19. Finding of Reasonable Grounds; Conciliation

21 Procedure.

22 1) After service of a Notice of Determination of Reasonable  
23 Grounds the Fair Housing Office shall endeavor to eliminate any unlawful  
24 discriminatory practice by informal methods of conference, conciliation  
25 and persuasion. The Fair Housing Office shall attempt to achieve a just  
26 resolution of all violations found, and to obtain agreement that the  
27 respondent will eliminate the unlawful practice and provide appropriate  
28 affirmative relief. Where such conciliation attempts are successful, the  
29 terms of the consent agreement shall be reduced to writing and signed by  
30 the complainant, the respondent and the Coordinator or person designated  
31 by the Coordinator. The original of the signed agreement shall be filed  
32 with the Coordinator, and copies shall be served upon the respondent,  
33 complainant and the Board. The Board shall, at its next regularly  
34 scheduled meeting, approve or disapprove the agreement.

1 2) When a consent agreement has not been signed, and the  
2 complaint has not been withdrawn or dismissed, the Coordinator shall  
3 serve a Notice of Failure of Conciliation upon the complainant,  
4 respondent and the Board not less than thirty (30) days after service of  
5 a Notice of Determination of Reasonable Grounds. Within thirty (30) days  
6 after the service of the Notice of Failure of Conciliation, the Board  
7 shall schedule a hearing with respect to such complaint in accordance  
8 with the provisions of this Ordinance.

9 Section 20. Unlawful Discriminatory Practice in Public

10 Accommodations. It shall be an unlawful discriminatory practice for any  
11 person, being the owner, lessee, proprietor, manager, superintendent,  
12 agent, or employee of any place of public accommodation, resort or  
13 amusement, because of the race, sex, color, religion, national origin, or  
14 physical handicap, of any person directly or indirectly, to refuse,  
15 withhold from or deny to such person any of the accommodations,  
16 advantages, facilities or privileges thereof, that are afforded the  
17 other customers, directly or indirectly, to publish, circulate, issue,  
18 display, post or mail any written or printed communication, notice or  
19 advertisement, to the effect that any of the accommodations, advantages,  
20 facilities, and privileges of any such place shall be refused, withheld  
21 from or denied to any person on account of race, sex, color, religion,  
22 national origin, or physical handicap, or that the patronage of any  
23 person belonging to any particular race, sex, color, religion, national  
24 origin, or physical handicap, is unwelcome, objectionable or not  
25 acceptable, desired or solicited.

26 Section 21. Discriminatory Housing Practices. Except as

27 provided in Section 24 hereof; it shall be an unlawful discriminatory  
28 housing practice:

29 1) To refuse to sell or rent after the making of a bona fide  
30 offer, or to refuse to negotiate for the sale or rental of, or otherwise  
31 make unavailable or deny, a dwelling to any person because of race, sex,  
32 color, religion, national origin, or physical handicap.

33 2) To discriminate against any person in the terms, conditions  
34 or privileges of sale or rental of a dwelling, or in the provisions of



1 services or facilities in connection therewith, because of race, sex,  
2 color, religion, national origin, or physical handicap.

3 3) To make, print, or publish, or cause to be made, printed,  
4 or published, any notice, statement or advertisement, with respect to the  
5 sale or rental of dwelling that indicates any preference, limitation or  
6 discrimination based on race, sex, color, religion, national origin, or  
7 physical handicap.

8 4) To place or display any other device either purporting to  
9 offer for sale, leasing assignment, transfer or other disposition or  
10 tending to lead to the belief that a bona fide offer is being made to  
11 sell, lease, assign, transfer, or otherwise dispose of any housing that  
12 is not in fact available or offered for sale, lease, assignment, transfer  
13 or other disposition based on race, sex, color, religion, national  
14 origin, or physical handicap.

15 5) To induce or attempt to induce any person to transfer an  
16 interest in any housing by representations regarding the existing or  
17 potential proximity of real property owned, used or occupied by any  
18 person of any particular race, sex, color, religion, national origin, or  
19 physical handicap.

20 6) To promote, induce, influence or attempt to promote, induce  
21 or influence by the use of post cards, letters, circulars, telephone,  
22 visitation or any other means, directly or indirectly, a property owner,  
23 occupant or tenant, to list for sale, sell, remove from, lease, assign,  
24 transfer or otherwise dispose of any housing by referring as a part of a  
25 process or pattern of inciting neighborhood unrest, community tension, or  
26 fear of racial, sexual, color, religious, nationality, or physical  
27 handicapped, change in any street, block, neighborhood, or any other  
28 area, due to the race, sex, color, religion, national origin or physical  
29 handicap, of actual or anticipated neighbors, tenants or prospective  
30 buyers of any housing.

31 7) To cause to be made any untrue or intentionally misleading  
32 statement, advertise or in any other manner attempt as part of a process  
33 or pattern of inciting neighborhood unrest, community tension or fear or  
34 racial, sexual, color, religious, nationality, or physical handicapped,  
35 change in any street, block, neighborhood, or any other area, to obtain a

1 listing of housing for sale, rental assignment transfer or other  
2 disposition, where such statement, advertising or other representation is  
3 false or materially misleading or where there is insufficient basis to  
4 judge its truth or falsity to warrant making the statement, or to make  
5 any other such material misrepresentations in order to obtain such  
6 listing, sale, removal from, lease, assignment, transfer or other  
7 disposition of said housing.

8 8) To make, as part of a process or pattern of discouraging  
9 the purchase, rental, occupancy or other use of any housing in a  
10 particular block or neighborhood area, any representation to a person  
11 known to be a prospective purchaser that such block, neighborhood or area  
12 may undergo, is undergoing or had undergone a change with respect to  
13 racial, sexual, color, religious, nationality or physical handicapped  
14 composition of such neighborhood, block or area.

15 9) To place or display any device or to indicate by use of  
16 post cards, letters, circulars, telephone, visitation or any other means,  
17 directly or indirectly, either purporting to offer for sale, rental  
18 leasing, assignment, transfer or other disposition, or tending to lead to  
19 the belief that a bona fide offer is being made to sell, lease, assign,  
20 transfer or otherwise dispose of any housing that is not in fact  
21 available or offered for sale, lease, assignment, transfer, rental or  
22 other disposition based on race, sex, color, religion, national origin,  
23 or physical handicap.

24 10) To retaliate or discriminate in any manner against a person  
25 who has opposed a practice declared discriminatory by this Ordinance, or  
26 who has filed a complaint, testified, assisted or participated in any  
27 manner in any investigation, proceeding, hearing or conference under this  
28 Ordinance.

29 11) To aid, abet, incite, compel or coerce any person to engage  
30 in any of the practices prohibited by this Ordinance; or to obstruct or  
31 prevent any person from complying with the provision of this Ordinance;  
32 or any order issued thereunder.

33 12) To resist, prevent, impede or interfere with the Board or  
34 any of its member or representatives in the lawful performance of its or  
35 their duty under this Ordinance.



1 13) To initiate any charge under the provisions of this  
2 Ordinance for the purposes of harassment.

3 Section 22. Discrimination in the Financing of Housing. It  
4 shall be a discriminatory housing practice of any bank, building and loan  
5 association, insurance company or other corporation, association, firm or  
6 enterprise whose business consists in whole or in part in the making of  
7 commercial real estate loans, to deny a loan or other financial  
8 assistance to any person applying therefor for the purpose of purchasing,  
9 constructing, improving, repairing, or maintaining a dwelling or to  
10 discriminate against him in the fixing of the amount, interest rate,  
11 duration, or other terms or conditions as such loan or other financial  
12 assistance, because of the race, sex, color, religion, national origin,  
13 or physical handicap, of such person or any person associated with him in  
14 connection with such loan or other financial assistance, or the purposes  
15 of such loan or other financial assistance of the present or prospective  
16 owners, lessees, tenants or occupants, of the dwelling or dwellings in  
17 relation to which such loan or other financial assistance is to be made  
18 or given; provided, that nothing contained in this section shall impair  
19 the scope of effectiveness of the exceptions set forth in Section 24  
20 thereof.

21 Section 23. Discrimination in the Provision of Brokerage  
22 Services. It shall be a discriminatory housing practice to deny any  
23 person who is otherwise professionally qualified by state law, and who is  
24 a member of a local Board of Realtors, provided said local Board of  
25 Realtors does not discriminate in its membership policies on the basis of  
26 race, sex, color, religion, national origin, or physical handicap, access  
27 to or membership or participation in any multiple listing service, real  
28 estate brokers' organization or other service, organization or facility  
29 relating to the business of selling or renting dwellings, or to  
30 discriminate against any person in the terms or conditions of such  
31 access, membership, or participation, on account of race, sex, color,  
32 religion, national origin, or physical handicap.

33 Section 24. Limitations and Exceptions - Housing Practices.  
34 The prohibitions set forth in Sections 21, 22, and 23 ~~shall apply to:~~

shall not apply to:

1 1) A religious organization, association or society, or any  
2 non-profit institution or organization operated, supervised or controlled  
3 by or in conjunction with a religious organization, association, or  
4 society, from limiting the sale, rental or occupancy of dwellings which  
5 it owns or operates for other than commercial purposes to persons of the  
6 same religion, or from giving preference to such persons, unless  
7 membership in such religion is restricted on account of race, sex, color,  
8 national origin, or physical handicap.

9 2) Rooms or units in dwellings containing living quarters  
10 occupied or intended to be occupied by no more than four (4) families  
11 living independently of each other if the owner actually maintains and  
12 occupies one of such living quarters as the owner's residence.

13 3) Any single-family dwelling unit sold or rented by an owner,  
14 who does not own more than three (3) such single-family dwelling units at  
15 any one time, if such unit is sold or rented without the use in any  
16 manner of the sales or rental facilities or the sales or rental services  
17 of any real estate broker or real estate salesperson or person in the  
18 business of selling or renting dwellings or without the publication,  
19 posting or mailing of any advertisement or written document ~~the~~  
20 publication, posting or mailing of any advertisement or written document  
21 in contravention of Section 21, but this shall not prohibit the use of  
22 any attorney, escrow agents, abstractors, title companies and such other  
23 professional assistance as is necessary to perfect or transfer title to a  
24 dwelling.

25 4) For the purposes of Section 24 (2) and (3), a person shall  
26 be deemed to be in the business of selling or renting dwellings and said  
27 exceptions shall not apply if:

28 (a) That person has, within the preceding twelve (12) months,  
29 participated as principal in 3 or more transactions involving the sale or  
30 rental of any dwelling or any interest therein; or

31 (b) That person has, within the preceding twelve (12) months,  
32 participated as agent, other than in the sale of his own personal  
33 residence, in providing sales or rental facilities or sales or rental  
34 services in two (2) or more transactions involving the sale or rental of  
35 any dwelling or any interest therein; or



1 (c) That person is the owner of any dwelling designed for or  
2 intended for occupancy by, or occupied by, five (5) or more families.

3 (5) A person or owner who wishes to rent a portion of a single  
4 dwelling unit to a person or persons of the same sex when such persons  
5 live in the single dwelling unit.

6 Section 25. Limitations and Exceptions - Public  
7 Accommodations. The prohibitions set forth in Section 20 shall not be  
8 applied to:

- 9 1) Limit of the use of restroom to persons of one sex;  
10 2) A religious organization, association or society or any  
11 non-profit institution or organization operating, supervised or  
12 controlled by or in conjunction with a religious organization,  
13 association or society from limiting facilities and accommodations, which  
14 it owns or operates, for other than a commercial purpose, to persons of  
15 the same religion or from giving preference to such persons.

16 Section 26. Limitations and Exceptions - Physical Handicap.

17 1) The prohibitions of this Ordinance with respect to physical  
18 handicap shall not be applicable so as to require a person to modify,  
19 alter or adjust a dwelling that is for sale or rent in order to provide  
20 physical accessibility except as otherwise required by law.

21 Section 27. Civil Remedy. No person shall violate any of the  
22 provisions of this Ordinance or refuse to obey any final administrative  
23 order issued by the Board relating to this Ordinance. In the event of  
24 any such violation or imminent threat thereof, or upon any party's  
25 refusal to comply with any final administrative order:

26 (a) The Board may impose a fine not to exceed \$500.00 per  
27 violation; or

28 (b) The Board may request the County Attorney upon being  
29 authorized by the Board of County Commissioners to seek an injunction in  
30 the appropriate court to prevent or terminate such violation, to obtain  
31 compliance with any final administrative order, and to seek an award of  
32 actual damages and not more than \$1,000.00 punitive damages, together  
33 with court costs and reasonable attorney's fees in the case of a  
34 prevailing plaintiff, provided the said plaintiff in the opinion of the  
35 court is not financially able to assume said attorney's fees.

1 Section 28. Inclusion in Code. It is the intention of the  
2 Board of County Commissioners, and it is hereby ordained, that the  
3 provisions of this Ordinance shall become and be made a part of the Code  
4 of Laws and Ordinances of Palm Beach County, Florida; that the sections  
5 of this Ordinance may be renumbered or relabeled to accomplish such  
6 intentions; and that the word "ordinance" may be changed to "section",  
7 "article", or other appropriate words.

8 Section 29. Applicability. It is hereby provided that this  
9 Ordinance shall constitute a uniform law applicable in all the  
10 unincorporated and incorporated areas of Palm Beach County, Florida, to  
11 the extent permitted by the Florida Constitution, Article VIII, Section  
12 I.

13 Section 30. Repealing Laws in Conflict. All special laws  
14 applying to and within this County and general laws applying only to this  
15 County, and any general law which the Board of County Commissioners is  
16 specifically authorized by Article VIII of the Florida Constitution, to  
17 supersede, nullify or amend, or any part of such ordinances, specifically  
18 Ordinances No. 73-12, 74-15 and 78-11, resolutions or laws, in conflict  
19 with any provision of this Ordinance are hereby repealed.

20 Section 31. Severability. If any section, sub-section,  
21 sentence, clause, or provision of this Ordinance is held invalid, the  
22 remainder of this Ordinance shall not be affected by such invalidity.

23 Section 32. Short Title. This Ordinance shall be known and  
24 cited as the Palm Beach County Ordinance for Equal Opportunity to Housing  
25 and Places of Public Accommodation.

26 Section 33. Effective Date. The provisions of this Ordinance  
27 shall become effective on January 1, 1985 provided receipt of official  
28 acknowledgement from the Florida Department of State that this Ordinance  
29 has been filed with the Department has been received by the Clerk of the  
30 Board of County Commissioners of Palm Beach County.



1 Approved and adopted by the Board of County Commissioners of  
2 Palm Beach County, Florida, this 13th day of November  
3 1984.

4 BOARD OF COUNTY COMMISSIONERS  
5 OF PALM BEACH COUNTY, FLORIDA

6 By: [Signature]  
7 Chairman

8 Acknowledged by the Department of State of the State of  
9 Florida, on this 19th day of November, 1984.  
10 and filed in the office of the Clerk of the Board of County  
11 Commissioners.

12 APPROVED AS TO FORM AND  
13 LEGAL SUFFICIENCY

14 By: [Signature]  
15 County Attorney

COUNTY OF PALM BEACH, STATE OF FLORIDA  
CLERK OF CIRCUIT COURT

I, John B. Dunkle, Clerk of the Fifteenth Judicial  
Circuit Court of the State of Florida and Clerk of the Board  
of County Commissioners, do hereby certify that the above and  
foregoing is a true and correct copy of: an Ordinance designated  
and cited as:

AN ORDINANCE PROVIDING FOR EQUAL OPPORTUNITY TO  
HOUSING AND PLACES OF PUBLIC ACCOMMODATION IN PALM  
BEACH COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS;  
PROVIDING FOR UNLAWFUL PRACTICES; PROVIDING FOR  
EXEMPTIONS; PROVIDING FOR THE ESTABLISHMENT OF THE  
FAIR HOUSING BOARD; PROVIDING FOR THE ESTABLISHMENT  
OF A FAIR HOUSING OFFICE; PROVIDING FOR INVESTIGATION  
PROCEDURES, PROVIDING FOR EVIDENCE; PROVIDING FOR  
COMMITTEE ORDER; PROVIDING FOR APPEAL; PROVIDING FOR  
CIVIL REMEDIES; PROVIDING FOR INCLUSION IN THE CODE;  
PROVIDING FOR APPLICABILITY; PROVIDING FOR THE REPEAL  
OF LAWS IN CONFLICT HEREWITH; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

approved and adopted by the Board of County Commissioners in  
regular session November 13, 1984 as shown by the records of  
this office.

Given under my hand and the Seal of  
the Board of County Commissioners of  
Palm Beach County, Florida, at the  
Palm Beach County Governmental Center,  
West Palm Beach, Florida, this the  
15th day of November, A.D., 1984.

JOHN B. DUNKLE, CLERK  
Circuit Court and Clerk of the  
Board of County Commissioners.  
By: [Signature]  
Deputy Clerk